

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

United States of America,) File No. 20-cr-261
Plaintiff,) (DSD/TNL)
v.)
Aditya Raj Sharma,) Courtroom 14W
Defendant.) Minneapolis, Minnesota
Wednesday, July 28, 2021
10:13 a.m.

BEFORE THE HONORABLE DAVID S. DOTY
UNITED STATES DISTRICT COURT SENIOR JUDGE
CHANGE OF PLEA HEARING

APPEARANCES

For the Plaintiff: UNITED STATES ATTORNEY'S OFFICE
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Proceedings recorded by mechanical stenography;
transcript produced by computer.

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P R O C E E D I N G S

IN OPEN COURT

THE COURT: Good morning. Do you want to take your seats, please?

This morning we have on our calendar that matter of the United States versus Aditya Raj Sharma.

May I have appearances, please?

MR. EBERT: Good morning, Your Honor. Matthew Ebert on behalf of the United States.

THE COURT: Good morning.

MR. GARRY: Good morning, Your Honor. Ryan Garry on behalf of --

THE COURT: Do you want to turn on your mics, so I can hear you? Thank you.

MR. GARRY: Thank you. Good morning, Your Honor. Ryan Garry on behalf of Mr. Sharma. I apologize for the delays this morning. I was mistakenly into the St. Paul courthouse. Thank you.

THE COURT: Well, and, of course, COVID-itus gives us reason for doing all kinds of odd things these days. I blame COVID-itus for many things, so we'll plug that in.

MR. GARRY: Well, I appreciate that, Your Honor. Thank you.

THE COURT: You can take your seats, except for you, Mr. Sharma. If you want to raise your right hand,

1 please. Do you swear that the information you are about to
2 give in the proceeding before this court will be the truth,
3 the whole truth and nothing but the truth, so help you God?

4 THE DEFENDANT: I do, Your Honor.

5 THE COURT: You can take your -- you can put your
6 hand down, and you can take your seat. The reason I just
7 swore you in is because you are going to be asked a number
8 of questions this morning, and I want to make sure you give
9 truthful and honest answers to those questions. If you do
10 not, it's another offense called perjury. Do you understand
11 that?

12 THE DEFENDANT: I do, Your Honor.

13 THE COURT: Now that you've been sworn. Okay.

14 Mr. Ebert, why don't you go ahead, if you would.

15 And if you would, gentlemen, you can take off your
16 masks when you speak so that we all can hear and the court
17 reporter can hear and understand you, which is very
18 important.

19 Okay. Go ahead.

20 MR. EBERT: Thank you, Your Honor. And is it all
21 right if I remain seated while I'm doing --

22 THE COURT: Let's do that today, because when we
23 have motions now we're having people come to the podium, but
24 that's a little different. So why don't you just remain
25 seated, like state court, you know. I hate to revert back

1 that far, but that's how they do it over there, you know. I
2 don't know if you know that. They forbid you to stand. You
3 know, the judge gets angry if you stand. But, anyway, have
4 a seat.

5 MR. EBERT: Well, I don't want to make the court
6 angry.

7 THE COURT: No, no, no. I'm not going to get
8 angry about much of anything this morning, but just go
9 ahead, please.

10 MR. EBERT: All right. Thank you, Your Honor.

11 Good morning, Mr. Sharma.

12 THE DEFENDANT: Good morning, Mr. Ebert.

13 MR. EBERT: So, Mr. Sharma, I want to just point
14 out a few things procedurally that will happen today. Okay?

15 THE DEFENDANT: Sure.

16 MR. EBERT: So I'm going to ask you a series of
17 questions to start off, and after that I anticipate that the
18 court will ask you some questions as well. In general, the
19 purpose is to make sure, first, that you have the ability,
20 the capacity to understand today's proceedings and to
21 participate in them, that you understand various terms that
22 are in the plea agreement and that you understand various
23 rights that you have and that you're waiving those rights
24 knowingly and to go through other provisions that are in the
25 plea agreement, as well as the facts of this case, the

1 factual basis.

2 First of all, you and I have met before.

3 THE DEFENDANT: Yes.

4 MR. EBERT: Is that right? And I know from our
5 meeting that you have an issue with hearing in one of your
6 ears; is that right?

7 THE DEFENDANT: That is correct.

8 MR. EBERT: Are you able to hear me so far?

9 THE DEFENDANT: No, I'm -- I'm able to hear you
10 perfectly well.

11 MR. EBERT: At any point today if you cannot hear
12 anyone, will you let us know?

13 THE DEFENDANT: Sure.

14 MR. EBERT: And if at any point today you don't
15 understand or you wish to speak to your attorney, also will
16 you please let us know so that the proceedings can stop?

17 THE DEFENDANT: Sure.

18 MR. EBERT: So, first of all, in terms of your
19 ability today, Mr. Sharma, have you had any drugs or alcohol
20 within the last 24 hours?

21 THE DEFENDANT: No.

22 MR. EBERT: Are you taking any medications
23 currently?

24 THE DEFENDANT: I do.

25 MR. EBERT: What medications are you taking, sir?

1 THE DEFENDANT: I take medications for diabetes,
2 cholesterol, hypertension and anxiety.

3 MR. EBERT: And, generally, how long have you been
4 taking the medications for those conditions?

5 THE DEFENDANT: You know, I cannot exactly tell
6 you how long. Rough estimate, it's been about seven,
7 eight years now.

8 MR. EBERT: Okay. And as we sit here today, is
9 there anything about those medications that makes it so that
10 you cannot think clearly?

11 THE DEFENDANT: Should not be.

12 MR. EBERT: Is there anything about those
13 medications that's causing you to not understand what's
14 happening here today?

15 THE DEFENDANT: No, no.

16 MR. EBERT: Okay. Are you under the care of any
17 type of physician currently?

18 THE DEFENDANT: Yes, I am.

19 MR. EBERT: Okay. What type of physician?

20 THE DEFENDANT: A family medicine practitioner.

21 MR. EBERT: Okay.

22 THE DEFENDANT: And -- well, it's still undecided.
23 I might be struggling with cancer. I'm not sure of that.
24 So some early symptoms have been detected, so I'm going
25 through some tests currently.

1 MR. EBERT: In general, with everything you've
2 described so far, is there anything about your physical
3 condition or your mental condition that prevents you from
4 thinking clearly and understanding today's proceedings?

5 THE DEFENDANT: No.

6 MR. EBERT: Is it fair to say you are of a clear
7 and a sound mind this morning?

8 THE DEFENDANT: Absolutely.

9 MR. EBERT: In terms of your attorney in this
10 case, and I should say your attorneys in this case, have you
11 had sufficient time to meet with your attorneys about this
12 matter?

13 THE DEFENDANT: Yes, I have.

14 MR. EBERT: And have you had an opportunity to go
15 through the charges in this case with your attorneys?

16 THE DEFENDANT: Yes, I have.

17 MR. EBERT: Likewise, have you had an opportunity
18 to go through the plea agreement with your attorneys?

19 THE DEFENDANT: Yes, I have.

20 MR. EBERT: And without going into any details of
21 what you discussed, have you had the ability to have your
22 various concerns and questions addressed by your attorneys?

23 THE DEFENDANT: Yes.

24 MR. EBERT: And are you generally satisfied with
25 your representation?

1 THE DEFENDANT: Yes, absolutely.

2 MR. EBERT: Okay. Next I want to turn to the plea
3 agreement and the charges themselves. And, Mr. Sharma, you
4 have in front of you a copy of the plea agreement; is that
5 right?

6 THE DEFENDANT: That's correct.

7 MR. EBERT: Okay. And you should also have I
8 believe a copy of the information as well?

9 THE DEFENDANT: Yes, I do.

10 MR. EBERT: Okay. And do you understand that
11 today's proceeding is a plea hearing concerning a charge
12 against you in federal court?

13 THE DEFENDANT: Mm-hmm.

14 MR. EBERT: And then for purposes of the court
15 reporter, we will all need to make sure we are giving an out
16 loud "yes" or "no." Can you do that?

17 THE DEFENDANT: Yes, please. Sorry.

18 MR. EBERT: Okay. So, again, do you understand
19 that we are here today on a plea hearing concerning a
20 pending federal charge against you?

21 THE DEFENDANT: Yes.

22 MR. EBERT: And, specifically, do you understand
23 that you have been charged with wire fraud as set forth in
24 the information that was filed on June 3rd of this year?

25 THE DEFENDANT: Yes.

1 MR. EBERT: And that the wire fraud charge that
2 you face is specifically that on or about April 26th of
3 2020, that in the State and District of Minnesota, that for
4 the purposes of executing and attempting to execute a scheme
5 to defraud, that you knowingly transmitted and caused the
6 transmission of a particular wire communication or wire
7 signal in interstate or foreign commerce and that
8 specifically this was the submission from Minnesota of an
9 application for a so-called PPP loan in the amount of
10 \$562,500?

11 THE DEFENDANT: Yes.

12 MR. EBERT: And, of course, the other details of
13 that scheme are set forth in the information, which you have
14 read; is that correct?

15 THE DEFENDANT: Yes.

16 MR. EBERT: Okay. Now, that particular count,
17 Mr. Sharma, that you are charged with carries with it
18 certain maximum penalties, and I want to make sure you
19 understand those.

20 And, Mr. Sharma, at this time if you could please
21 turn to page 8 of the plea agreement.

22 And under the section in paragraph 5, do you
23 understand that the wire fraud count of 18 United States
24 Code 1343 carries the following maximum statutory penalties:
25 Specifically, 20 years in prison, a supervised release term

1 of 3 years, a fine of \$250,000 or twice the gross gain or
2 loss from the offense, whichever is greater, a mandatory
3 special assessment of \$100, as well as payment of mandatory
4 restitution in an amount that will be determined by the
5 court? Do you understand that those are the maximum
6 penalties that you could face under law?

7 THE DEFENDANT: Yes.

8 MR. EBERT: Okay. Next, Mr. Sharma, I want to
9 direct your attention to some of the provisions that are set
10 forth in the plea agreement beginning on page 12. And these
11 concern your important rights, including your important
12 constitutional rights, Mr. Sharma, and I want to make sure
13 that you clearly understand them.

14 So, first of all, do you understand that you have
15 a right to be charged by an indictment rather than by an
16 information?

17 THE DEFENDANT: Yes.

18 MR. EBERT: Okay. And that as a part of that
19 right, if you were to be charged by an indictment, that
20 would mean that there's what's called a grand jury, which is
21 similar to a trial jury in that they are hearing evidence,
22 but their function is not to determine guilt or innocence,
23 but, rather, it's to determine whether there's probable
24 cause for charges to be brought. And so do you understand
25 that that's your right to have the concurrence of 12 or more

1 members of the grand jury, for them to find that there's
2 probable cause for charges to be filed?

3 THE DEFENDANT: Yes.

4 MR. EBERT: However, by signing this plea
5 agreement, you're agreeing to sign an indictment waiver and
6 that you are knowingly waiving your right to be prosecuted
7 by an indictment in this case?

8 THE DEFENDANT: Yes.

9 MR. EBERT: And you're also waiving your right to
10 assert at a trial or on appeal any defects that might arise
11 from the information that's at Document 43 in this case, as
12 well as any defects in the information process, or waiving
13 the fact that you've been prosecuted by way of an
14 information in this case. Do you understand those rights?

15 THE DEFENDANT: Yes.

16 MR. EBERT: Similarly, you also have the right to
17 file certain types of pretrial motions in this case. For
18 example, you have the ability as a defendant charged in
19 federal court to file motions to suppress evidence or to
20 challenge certain things about the government's case.
21 However, you're giving up that right to file certain
22 pretrial motions and that you're agreeing not to pursue any
23 motions that may have been filed with your entry of this
24 plea agreement today?

25 THE DEFENDANT: Yes. And for this case, yes.

1 MR. EBERT: And next I want to touch upon some of
2 your important trial rights. First of all, do you
3 understand that you have a right to plead not guilty? Do
4 you understand that right?

5 THE DEFENDANT: Yes.

6 MR. EBERT: And that you have a right to persist
7 forward with a not guilty plea?

8 THE DEFENDANT: Yes.

9 MR. EBERT: You also have a right to what's called
10 a speedy trial. Are you aware of that right?

11 THE DEFENDANT: Yes.

12 MR. EBERT: That within a set amount of time you
13 would have the right to a trial, likely to occur in this
14 courtroom, and seated to your left would be a jury of 12
15 people. Do you understand?

16 THE DEFENDANT: Yes.

17 MR. EBERT: And that those 12 jurors would be
18 selected and they must unanimously agree that you would be
19 guilty in order for you to be convicted. Do you understand
20 that right?

21 THE DEFENDANT: Yes.

22 MR. EBERT: An additional trial right, Mr. Sharma,
23 is that you have the right to assistance from your attorneys
24 at trial. Do you understand?

25 THE DEFENDANT: Yes.

1 MR. EBERT: And that if you couldn't afford an
2 attorney at trial, that counsel would be appointed for you.
3 Are you aware of that right?

4 THE DEFENDANT: Yes.

5 MR. EBERT: You also have the right, Mr. Sharma,
6 to be presumed innocent until proven guilty. Are you aware?

7 THE DEFENDANT: Yes.

8 MR. EBERT: And that the burden rests upon the
9 government, that the government must prove its case beyond a
10 reasonable doubt against you. Do you understand that right?

11 THE DEFENDANT: Yes.

12 MR. EBERT: And that as part of any trial,
13 Mr. Sharma, you would have the right to confront witnesses
14 and to cross-examine any witnesses who would be testifying
15 against you.

16 THE DEFENDANT: Yes.

17 MR. EBERT: You are aware of that right?

18 THE DEFENDANT: Yes.

19 MR. EBERT: You would also have the ability to
20 subpoena certain parties, if you so choose, to have those
21 parties come to trial on your behalf. Do you understand?

22 THE DEFENDANT: Yes.

23 MR. EBERT: And as I stated a moment ago, you
24 would have certain rights to challenge through pretrial
25 motions, but in addition you would also have the rights to

1 challenge certain evidence in the course of trial, including
2 through making certain objections. Do you understand?

3 THE DEFENDANT: Yes.

4 MR. EBERT: You would also have the right to
5 appeal any particular rulings by the court on some of those
6 issues that arose in trial. Do you understand?

7 THE DEFENDANT: Yes.

8 MR. EBERT: You would also have the right to
9 testify on your own behalf, if you so choose. Do you
10 understand?

11 THE DEFENDANT: Yes.

12 MR. EBERT: However, you would also have the right
13 not to be compelled to testify. Do you understand?

14 THE DEFENDANT: Yes.

15 MR. EBERT: Specifically, not compelled to perhaps
16 incriminate yourself. Do you understand that right?

17 THE DEFENDANT: Yes.

18 MR. EBERT: And if you chose not to testify, the
19 government could not make any comment in the courtroom to
20 the jury about the fact that you did not testify. Do you
21 understand that?

22 THE DEFENDANT: Yes.

23 MR. EBERT: However, despite all of these trial
24 rights that we're discussing now, do you understand that
25 with an entry of a guilty plea today through this plea

1 agreement there would be no trial for you in this matter of
2 any kind if the court were to accept this plea agreement?

3 THE DEFENDANT: Yes.

4 MR. EBERT: And that there's no right to appeal
5 the plea, subject to certain exceptions that we're going to
6 talk about in a moment?

7 THE DEFENDANT: Yes.

8 MR. EBERT: Do you understand that?

9 THE DEFENDANT: Yes.

10 MR. EBERT: So with respect to all of these rights
11 that we've just discussed concerning pretrial motions,
12 proceeding by information and all of your various trial
13 rights, you've indicated that you understand all of those
14 rights; is that correct?

15 THE DEFENDANT: That's correct.

16 MR. EBERT: And is it correct that you are today
17 voluntarily waiving those various rights?

18 THE DEFENDANT: Yes.

19 MR. EBERT: Okay. Now, Mr. Sharma, I want to
20 direct your attention to page 13 of the plea agreement and
21 specifically to paragraph 15. This paragraph, Mr. Sharma,
22 talks again about some of your rights, but this is in more
23 detail about your rights with respect to filing any type of
24 appeal in this matter.

25 THE DEFENDANT: Yes.

1 MR. EBERT: Do you understand that generally a
2 defendant, such as yourself, has the ability to appeal an
3 issue in their criminal case, such as a conviction or a
4 sentence?

5 THE DEFENDANT: Yes.

6 MR. EBERT: However, as part of this plea
7 agreement, despite that right, in exchange for other
8 concessions that are being made by the government, you are
9 waiving certain appellate rights. Do you understand that?

10 THE DEFENDANT: Yes.

11 MR. EBERT: Specifically, you are waiving the
12 right to appeal the sentence unless the court imposes a
13 sentence of imprisonment that exceeds 78 months. Do you
14 understand?

15 THE DEFENDANT: Yes.

16 MR. EBERT: And that includes the amount of
17 restitution. Do you understand?

18 THE DEFENDANT: Yes.

19 MR. EBERT: And that, on the other side, the
20 United States is waiving its right to appeal any sentence of
21 imprisonment that the court may impose so long as the
22 sentence of imprisonment is 41 months or more. Do you
23 understand?

24 THE DEFENDANT: Yes.

25 MR. EBERT: Next, this paragraph talks about

1 certain areas where a defendant could try to what's called
2 collaterally attack their conviction or their sentence, in
3 other words, Mr. Sharma, by appealing to an appellate court
4 on the basis that the conviction or something about the case
5 was somehow unlawful. However, here as part of this plea,
6 do you understand that you are waiving your right to that
7 type of postconviction collateral attack or direct appeal?
8 Do you understand that?

9 THE DEFENDANT: Yes.

10 MR. EBERT: However, you still retain the ability
11 to file such relief on appeal concerning any claim of
12 ineffective assistance of counsel. Do you understand?

13 THE DEFENDANT: Yes.

14 MR. EBERT: And all of these various appellate
15 rights, have you had the opportunity to discuss these with
16 your attorney?

17 THE DEFENDANT: Yes.

18 MR. EBERT: And are you today knowingly and of
19 your own volition waiving those appellate rights?

20 THE DEFENDANT: Yes.

21 MR. EBERT: All right. Next, Mr. Sharma, I want
22 to direct your attention to the portion of the plea
23 agreement that begins at the very bottom of page 8. And
24 this concerns the discussion, Mr. Sharma, of what the
25 parties estimate may be your advisory guidelines range at

1 sentencing in this case.

2 THE DEFENDANT: Yes.

3 MR. EBERT: And so, first, do you understand that
4 this plea agreement, including the various anticipated
5 advisory guidelines ranges that we'll discuss in a moment,
6 that all of this is an agreement between the two parties and
7 not the court?

8 THE DEFENDANT: Yes.

9 MR. EBERT: In other words, the court is not bound
10 by what the parties understand the guidelines range to be
11 for potential punishment for you. Do you understand?

12 THE DEFENDANT: Yes.

13 MR. EBERT: Rather, the court will consider a
14 range of factors, but is not tied or obligated to follow
15 what the parties understand to be the range. Do you
16 understand that?

17 THE DEFENDANT: Yes.

18 MR. EBERT: That being said, I just do want to
19 point out and make sure you understand what the parties
20 believe today to be the range for you. So beginning on
21 page 9, Mr. Sharma, in terms of calculating your sentence
22 under the advisory sentencing guidelines, do you understand
23 that the parties agree that your base offense level is a 7?

24 THE DEFENDANT: Yes.

25 MR. EBERT: And that with respect to the amount of

1 loss, the government believes that the offense level should
2 be increased by 20 levels because the intended loss of
3 approximately \$9.6 million is greater than 9.5 million, but
4 not more than 25 million. Do you understand that that is
5 the government's position with respect to loss?

6 THE DEFENDANT: Yes.

7 MR. EBERT: However, under this plea agreement, do
8 you understand that you are reserving the right to argue at
9 sentencing for a lower loss level of 16 levels? Are you
10 aware of that?

11 THE DEFENDANT: Yes.

12 MR. EBERT: And that, next, the parties both agree
13 that the offense level should be increased by 2 levels
14 because the offense involved a concept that's known as
15 "sophisticated means." Do you understand that?

16 THE DEFENDANT: Yes.

17 MR. EBERT: Next, the government agrees that it
18 will recommend that you receive a 2-level reduction for
19 acceptance of responsibility; and provided that certain
20 other things occur set forth in subparagraph (d), the
21 government anticipates that it's going to file for an
22 additional 1-level reduction for you. Do you understand
23 that?

24 THE DEFENDANT: Yes.

25 MR. EBERT: However, I want to emphasize that the

1 government will move for that additional 1-level reduction
2 provided that those conditions are met in subparagraph (d),
3 namely, that you testify truthfully today and at any
4 subsequent sentencing hearings; two, that you cooperate
5 fully with the United States Probation Office as it puts
6 together its presentence investigation; and, three, that you
7 engage in no conduct inconsistent with acceptance of
8 responsibility before the time of sentencing. Do you
9 understand that?

10 THE DEFENDANT: Yes.

11 MR. EBERT: With respect to your criminal history
12 category, at this time do you understand that the parties
13 agree that you're in the lowest category, which is
14 category I?

15 THE DEFENDANT: Yes.

16 MR. EBERT: That that assessment is simply the
17 parties' understanding. It does not constitute a formal
18 stipulation and not anything that binds the court. Do you
19 understand?

20 THE DEFENDANT: Yes.

21 MR. EBERT: So, for example, the probation office
22 will conduct a thorough review of all of the information
23 about the case and about you; and if they should uncover
24 something that's not known today to the parties, that could
25 cause you to be in a higher criminal history category. Do

1 you understand?

2 THE DEFENDANT: Yes.

3 MR. EBERT: And that if that should occur, that
4 you are in a higher category, you're going to be sentenced
5 based on that higher and more accurate category and you
6 would not be able to withdraw from this plea agreement. Do
7 you understand?

8 THE DEFENDANT: Yes.

9 MR. EBERT: And so with those anticipated figures
10 in mind, with an adjusted offense level of 26 and a criminal
11 history category of I, the government anticipates that your
12 advisory range would be 63 to 78 months of imprisonment. Do
13 you understand that?

14 THE DEFENDANT: Yes.

15 MR. EBERT: Whereas, the defense's position is
16 that the advisory range of imprisonment is 41 to 51 months
17 of imprisonment. Do you understand?

18 THE DEFENDANT: Yes.

19 MR. EBERT: And that, in addition, you could face
20 a fine as set forth in subparagraph (g). Are you aware of
21 that?

22 THE DEFENDANT: Yes.

23 MR. EBERT: As well as any term of supervised
24 release, as well as restitution that would be imposed as
25 part of your sentence. Are you aware of that as well?

1 THE DEFENDANT: Yes.

2 MR. EBERT: And next, Mr. Sharma, I want to jump
3 to paragraph 11, which is on page 12. And I mentioned that
4 a component of your sentence could be up to 3 years of
5 supervised release. And that's where if you are sentenced
6 to a term of imprisonment, then after that prison term you
7 could be on what's called pretrial -- or excuse me -- on
8 supervised release where you may be subject to certain types
9 of conditions and monitoring. Do you understand that?

10 THE DEFENDANT: Yes.

11 MR. EBERT: And do you understand that if you were
12 to violate any of those supervised release conditions, that
13 you could be sentenced to some form of punishment, which
14 could include an additional term of imprisonment up to the
15 length of the original supervised release term? Do you
16 understand that?

17 THE DEFENDANT: Yes.

18 MR. EBERT: All right. Next, Mr. Sharma, I want
19 to take a moment and touch upon restitution, as well as
20 forfeiture.

21 First, on page 11, paragraph 9, do you understand
22 that you're obligated by law to pay restitution to the
23 victims of this particular offense?

24 THE DEFENDANT: Yes.

25 MR. EBERT: And that specifically you are agreeing

1 with the government that the amount of restitution that's
2 owed to the victim lenders is at least \$1,773,600?

3 THE DEFENDANT: Yes.

4 MR. EBERT: And paragraph 10 set forth -- the
5 provisions in paragraph 10 set forth various things that you
6 are agreeing you will do to comply with disclosure of any
7 assets. Have you had an opportunity to go through that
8 paragraph?

9 THE DEFENDANT: Yes.

10 MR. EBERT: And so that being said, do you agree
11 that you will fully and completely disclose to the United
12 States Attorney's Office the existence and location of any
13 assets in which you have any right, title or interest --

14 THE DEFENDANT: Yes.

15 MR. EBERT: -- or over which you exercise control,
16 directly or indirectly, including any assets held by a
17 spouse, a nominee or other third party or any businesses
18 that are controlled by you?

19 THE DEFENDANT: Yes.

20 MR. EBERT: And do you agree to assist the United
21 States in identifying, locating, returning and transferring
22 assets for use in payment of restitution and of any fines
23 that might be ordered by the court?

24 THE DEFENDANT: Yes.

25 MR. EBERT: In particular, two weeks after the

1 change of plea hearing today, do you agree to provide to the
2 United States under penalty of perjury a financial
3 disclosure form that lists all of your assets and financial
4 interests valued at more than \$1,000 before the date of
5 sentencing?

6 THE DEFENDANT: Yes.

7 MR. EBERT: And do you agree to provide updates
8 with any material or significant changes in your
9 circumstances --

10 THE DEFENDANT: Yes.

11 MR. EBERT: -- that might occur prior to
12 sentencing and within seven days of the event giving rise to
13 those changed circumstances? Do you agree to do that?

14 THE DEFENDANT: Yes.

15 MR. EBERT: Do you further agree to execute any
16 releases that may be necessary for the United States to
17 obtain information concerning your assets?

18 THE DEFENDANT: Yes.

19 MR. EBERT: And do you expressly authorize the
20 United States to obtain a credit report on you to evaluate
21 your ability to satisfy any financial obligations that might
22 be imposed by the court?

23 THE DEFENDANT: Yes.

24 MR. EBERT: And if requested by the United States,
25 do you agree to submit to one or more asset interviews or

1 depositions under oath?

2 THE DEFENDANT: Yes.

3 MR. EBERT: Next, Mr. Sharma, I want to direct
4 your attention to page 14 and the paragraph that begins
5 on 16.

6 With this plea agreement, are you agreeing to
7 forfeit to the United States certain property, real or
8 personal, that constitutes or is derived from proceeds that
9 are traceable to the wire fraud scheme that you are charged
10 with in Count 1 of the information?

11 THE DEFENDANT: Yes.

12 MR. EBERT: And directing your attention to
13 paragraph 17, do you agree that the specific property that
14 you are agreeing will be forfeited is specifically \$331,300
15 in funds seized from an Old National Bank account in the
16 name of Mokume, LLC --

17 THE DEFENDANT: Yes.

18 MR. EBERT: -- as well as \$245,138.49 seized from
19 a Wells Fargo Bank in the name of Kloudgaze --

20 THE DEFENDANT: Yes.

21 MR. EBERT: -- as well as \$85,594.94 seized from
22 an Old National Bank account in the name of Kloudgaze as
23 well --

24 THE DEFENDANT: Yes.

25 MR. EBERT: -- and finally \$12,947.33 seized from

1 a U.S. Bank account in your name? Do you understand?

2 THE DEFENDANT: Yes.

3 MR. EBERT: And for purposes of today, I'll refer
4 to those four bank accounts as the seized funds. Do you
5 understand?

6 THE DEFENDANT: Yes.

7 MR. EBERT: And so do you admit today that those
8 seized funds are subject to forfeiture --

9 THE DEFENDANT: Yes.

10 MR. EBERT: -- because they are traceable to the
11 wire fraud scheme?

12 THE DEFENDANT: Yes.

13 MR. EBERT: And are you also agreeing to the entry
14 of a forfeiture money judgment in the amount of \$1,773,600
15 as well, Mr. Sharma?

16 THE DEFENDANT: Yes.

17 MR. EBERT: Because you agree that the amount of
18 proceeds you obtained is equal to that amount; is that
19 correct?

20 THE DEFENDANT: Yes.

21 MR. EBERT: And then moving on to paragraphs on
22 page 15, do you understand that the United States reserves
23 the right to, as I said, seek a forfeiture money judgment,
24 as well as to forfeit substitute assets and to forfeit any
25 additional directly forfeitable property?

1 THE DEFENDANT: Yes.

2 MR. EBERT: But that you will receive a credit
3 against this money judgment for the net value of all assets
4 that are forfeited from you in connection with this matter.
5 Do you understand?

6 THE DEFENDANT: Yes.

7 MR. EBERT: And are you also agreeing that the
8 United States may, at its option, forfeit these seized funds
9 through either civil, criminal or administrative
10 proceedings?

11 THE DEFENDANT: Yes.

12 MR. EBERT: And are you waiving any deadline or
13 statute of limitations for the initiation of any court
14 proceedings or other proceedings as well?

15 THE DEFENDANT: Yes.

16 MR. EBERT: And are you also abandoning any
17 interest that you might have in those seized funds?

18 THE DEFENDANT: Yes.

19 MR. EBERT: Are you also giving up any
20 constitutional defenses or statutory defenses to the
21 forfeiture of the seized funds?

22 THE DEFENDANT: Yes.

23 MR. EBERT: Are you also waiving any right to
24 contest or challenge such forfeiture on any grounds, which
25 includes through a direct appeal or through any other means?

1 THE DEFENDANT: Yes.

2 MR. EBERT: To the extent that you have filed any
3 sort of claim or sought any type of relief concerning the
4 property to challenge it, are you agreeing to withdraw any
5 such challenge?

6 THE DEFENDANT: Yes.

7 MR. EBERT: Do you also agree that you won't
8 assist any third parties to the extent any third parties
9 might make a claim or a petition concerning the seized
10 funds?

11 THE DEFENDANT: Yes.

12 MR. EBERT: And, lastly, with respect to this
13 forfeiture issue, do you understand that the forfeiture of
14 the seized funds shall not be treated as satisfaction of any
15 fine, restitution, costs of imprisonment or any other
16 financial penalty that the court may impose upon you in
17 addition to the forfeiture judgment?

18 THE DEFENDANT: Yes.

19 MR. EBERT: Despite that, in this case the United
20 States Attorney's Office for the District of Minnesota is
21 agreeing with this plea agreement to take the appropriate
22 steps to recommend to a different component within the
23 United States Department of Justice that the net proceeds
24 that are derived from any forfeited assets be applied to
25 your restitution judgment, pursuant to law. Do you

1 understand that?

2 THE DEFENDANT: Yes.

3 MR. EBERT: But do you also understand and
4 acknowledge that the U.S. Attorney's Office in Minnesota
5 only has the authority to recommend that type of relief --

6 THE DEFENDANT: Yes.

7 MR. EBERT: -- to this other component within the
8 Department of Justice?

9 THE DEFENDANT: Yes.

10 MR. EBERT: And that ultimately any final decision
11 about whether or not to apply forfeited seized funds towards
12 restitution, that that decision rests with the Chief of this
13 Money Laundering and Asset Recovery Section with the U.S.
14 Department of Justice. Do you understand?

15 THE DEFENDANT: Yes.

16 MR. EBERT: And it's that entity that makes the
17 final decision in accordance with applicable law and that
18 any recommendation from me or from my office here in
19 Minnesota does not guarantee that any seized forfeited funds
20 will be applied towards your restitution. Do you
21 understand?

22 THE DEFENDANT: Yes.

23 MR. EBERT: In order for the court to find,
24 Mr. Sharma, that there's a basis for you to enter a plea of
25 guilty, it needs to find that there's a sufficient factual

1 basis to support that charge. And so to that end, I want to
2 direct your attention, Mr. Sharma, to the factual basis that
3 begins on paragraph -- or excuse me -- on page 2.

4 And, Mr. Sharma, in large part, I'm going to
5 follow along with the provisions in the plea, and I will
6 summarize at certain points. Okay?

7 THE DEFENDANT: Yep.

8 MR. EBERT: So, first, from at least April of 2020
9 through at least in or around November 2020, in the District
10 of Minnesota, did you knowingly and intentionally devise and
11 execute a scheme to defraud by supplying false information
12 and otherwise engaging in fraudulent pretenses,
13 representations and promises and by concealing certain
14 material facts?

15 THE DEFENDANT: Yes.

16 MR. EBERT: And, specifically, did that scheme to
17 defraud entail applying for a certain type of COVID-19
18 pandemic relief money by submitting loan applications that
19 contained false and fraudulent information?

20 THE DEFENDANT: Yes.

21 MR. EBERT: And that as a result, did you
22 fraudulently apply for at least \$9,619,046 in such loans
23 from at least ten different lenders, even though you knew
24 you were not entitled to receive such funds?

25 THE DEFENDANT: Yes.

1 MR. EBERT: And that as a result of that scheme,
2 did you actually obtain \$1,773,600 in fraudulent proceeds?

3 THE DEFENDANT: Yes.

4 MR. EBERT: During this scheme did you reside in
5 Maple Grove here in Minnesota?

6 THE DEFENDANT: Yes.

7 MR. EBERT: And was Crosscode a cloud-based
8 software development company that was originally
9 headquartered in Maple Grove, Minnesota?

10 THE DEFENDANT: Yes.

11 MR. EBERT: And did you found that company in or
12 about 2015?

13 THE DEFENDANT: Yes.

14 MR. EBERT: And did you hold various positions at
15 Crosscode --

16 THE DEFENDANT: Yes.

17 MR. EBERT: -- including -- including chief
18 executive officer and president?

19 THE DEFENDANT: Yes.

20 MR. EBERT: And on or about November 13th, 2019,
21 were you notified of your effective termination by Crosscode
22 and your removal from the company?

23 THE DEFENDANT: Yes.

24 MR. EBERT: And at that date did you know that you
25 were not the 100 percent shareholder of Crosscode shares?

1 THE DEFENDANT: Yes.

2 MR. EBERT: Next, Kloudgaze, Inc., or Kloudgaze.
3 Was that a company that was set up to design cloud computing
4 technology?

5 THE DEFENDANT: Yes.

6 MR. EBERT: And did you create and register that
7 in Delaware on or about May 18th of 2020?

8 THE DEFENDANT: It was registered, yes, on that
9 date, but created much before.

10 MR. EBERT: Okay. But so it was created
11 previously and you registered it on --

12 THE DEFENDANT: Yes.

13 MR. EBERT: -- May 18th --

14 THE DEFENDANT: Yes.

15 MR. EBERT: -- of 2020? And you were that
16 entity's president and chief executive officer; is that
17 correct?

18 THE DEFENDANT: Yes.

19 MR. EBERT: And through at least July of 2020 you
20 did not report the payment of any wages to a Kloudgaze
21 employee; is that correct?

22 THE DEFENDANT: That might be inaccurate. I will
23 have to double-check the exact date, but --

24 MR. EBERT: Well, as we will discuss in a moment,
25 did you make certain representations about the number of

1 Kloudgaze employees on certain applications to get PPP
2 money?

3 THE DEFENDANT: Yes.

4 MR. EBERT: And did the number of employees that
5 you listed on those applications contain information that
6 was not true and that was not accurate with respect to the
7 number of Kloudgaze employees?

8 THE DEFENDANT: Yes.

9 MR. EBERT: Okay. And at no point did Crosscode,
10 the former company that you were at, do business under the
11 name of Kloudgaze; is that right?

12 THE DEFENDANT: Yes.

13 MR. EBERT: Next, Neoforma. This was a company
14 that engaged in similar computer systems design and related
15 services; is that right?

16 THE DEFENDANT: Yes.

17 MR. EBERT: And you created that company; is that
18 correct?

19 THE DEFENDANT: Yes.

20 MR. EBERT: And it was registered in Minnesota on
21 or about July 8th, 2020?

22 THE DEFENDANT: Yes. Again, registered around
23 July 8, but, yeah, created much before.

24 MR. EBERT: Okay. And through at least August of
25 2020, is it correct that you did not report the payment of

1 any wages to a Neoforma employee?

2 THE DEFENDANT: Yes.

3 MR. EBERT: Okay. Next, Mokume. Was that a
4 company that did similar computer software services?

5 THE DEFENDANT: Yes.

6 MR. EBERT: And you created that; is that correct?

7 THE DEFENDANT: Yes.

8 MR. EBERT: And it was registered in Minnesota on
9 or about July 16th of 2020?

10 THE DEFENDANT: Yes.

11 MR. EBERT: With you as its president and chief
12 executive officer?

13 THE DEFENDANT: Yes.

14 MR. EBERT: And similar to the previous entity
15 Neoforma, there were not any employees for whom you reported
16 wages; is that correct?

17 THE DEFENDANT: Yes.

18 MR. EBERT: Moving on to page 4, Mr. Sharma. In
19 general, do you agree that the United States Small Business
20 Administration is an agency within the U.S. Government that
21 provides support to entrepreneurs and to small businesses?

22 THE DEFENDANT: Yes.

23 MR. EBERT: And that as part of their mission,
24 they provide loans through private lenders to small
25 businesses?

1 THE DEFENDANT: Yes.

2 MR. EBERT: And that's done through
3 government-backed guarantees of those loans. Do you
4 understand?

5 THE DEFENDANT: Yes.

6 MR. EBERT: In general, are you aware that the
7 so-called CARES Act enacted in March 2020 was to provide
8 various types of emergency financial assistance to Americans
9 dealing with struggles from the pandemic?

10 THE DEFENDANT: Yes.

11 MR. EBERT: And that as a component of the CARES
12 Act, there was a program to lend funds to qualifying small
13 businesses that was known as the Paycheck Protection Program
14 or the PPP.

15 THE DEFENDANT: Yes.

16 MR. EBERT: Do you understand?

17 THE DEFENDANT: Yes.

18 MR. EBERT: And that as set forth in greater
19 detail in the plea agreement, that in order to obtain a loan
20 a qualifying business had to do certain things as part of
21 their application and make certain certifications. Do you
22 understand?

23 THE DEFENDANT: Yes.

24 MR. EBERT: Which included, among other things,
25 acknowledging the program rules and filling out what's

1 called an SBA Form 2483. Do you understand?

2 THE DEFENDANT: Yes.

3 MR. EBERT: Among other things, that form and the
4 application required certifications that, for example, the
5 small business applicant was in operation on February 15th
6 of 2020 --

7 THE DEFENDANT: Yes.

8 MR. EBERT: -- as well as providing average
9 monthly payroll expenses and the number of employees. Do
10 you agree with that?

11 THE DEFENDANT: Yes.

12 MR. EBERT: And that those figures we've just
13 talked about, that those were used to calculate the amount
14 of money that the small business was eligible to receive
15 under the PPP, correct?

16 THE DEFENDANT: Yes.

17 MR. EBERT: And that as part of that application,
18 the applicant was required to provide certain types of
19 supporting documentation showing their payroll expenses?

20 THE DEFENDANT: Yes.

21 MR. EBERT: And that once a PPP loan application
22 was processed and approved by a lender, then those disbursed
23 funds were guaranteed by the SBA. Do you understand?

24 THE DEFENDANT: Yes.

25 MR. EBERT: And that these loan funds, as part of

1 the whole program, were to be used on certain types of
2 expenses, including payroll costs, the small business's
3 mortgage interest, rent and utilities; is that correct?

4 THE DEFENDANT: Yes.

5 MR. EBERT: Next I want to direct your attention
6 to some of the aspects of this scheme to defraud. In
7 general, do you agree that between April 2020 and August of
8 2020 that you knowingly applied for PPP loans by submitting
9 loans that contained false and inaccurate information?

10 THE DEFENDANT: Yes.

11 MR. EBERT: And that the purpose of this scheme
12 was for you to either enrich yourself unjustly or your other
13 business by obtaining these PPP funds by providing false
14 information, fabricated supporting records, making false
15 statements about the number of employees that you had and
16 the amount of payroll expenses that you incurred, and by
17 otherwise making false statements about the relevant
18 corporate entities and the intended use of the loan
19 proceeds; is that correct?

20 THE DEFENDANT: Not to enrich myself.

21 MR. EBERT: Well, you agree with the provision in
22 the plea agreement that -- that an aspect of it was for you
23 to unjustly enrich other businesses of yours; is that
24 correct?

25 THE DEFENDANT: Again, I would have objections to

1 the term "unjustly enrich other businesses." They were used
2 to create additional jobs, but I leave it to the legal
3 interpretation, yes.

4 MR. EBERT: But in general, Mr. Sharma, you're
5 acknowledging today that you knowingly sought and applied
6 for certain funds by supplying various lenders with
7 information that just some of which was not truthful and was
8 incorrect?

9 THE DEFENDANT: Yes, that is correct.

10 MR. EBERT: And that as a result of that, certain
11 funds were disbursed to you based upon that false
12 information?

13 THE DEFENDANT: That is correct.

14 MR. EBERT: Okay. And that as part of your -- as
15 part of your conduct with these loans, that you applied for
16 various loans, yet, as set forth in the middle of page 6, on
17 multiple instances when you submitted a subsequent
18 application, even though you may have already received PPP
19 money, you indicated that you, quote -- that the applicant,
20 quote, "has not and will not receive another loan under the
21 PPP program for the period of February 15, 2020, through
22 December 31, 2020." Is that correct?

23 THE DEFENDANT: Yes.

24 MR. EBERT: And that, more specifically, between
25 April and July you submitted three applications that

1 contained falsehoods and misleading information, one for
2 Crosscode, Inc., doing business as Kloudgaze, one for
3 Kloudgaze and one for Mokume, which sought a total of
4 \$1,773,600 in funds; is that correct?

5 THE DEFENDANT: Yes.

6 MR. EBERT: And that -- and that specifically to
7 carry that out, you did the conduct that we already
8 discussed about, which is the April 26th, 2020, wire
9 submission that's in Count 1 of the information; is that
10 correct?

11 THE DEFENDANT: Yes.

12 MR. EBERT: And that, among other things, do you
13 agree that your applications, as I said, concealed from
14 lenders that you had previously applied for or received
15 other PPP money?

16 THE DEFENDANT: Yes.

17 MR. EBERT: Okay. For example, it didn't disclose
18 your receipt of a \$474,900 loan for Kloudgaze on July 16th,
19 2020, when you thereafter applied for more funding; is that
20 correct?

21 THE DEFENDANT: Yes.

22 MR. EBERT: And as we talked about, the loan
23 applications had information that was false about the number
24 of active employees on payroll, as well as payroll figures;
25 is that correct?

1 THE DEFENDANT: Yes.

2 MR. EBERT: And that there were certain supporting
3 documentation that was included in the applications from you
4 that had been falsified, including bank account statements
5 that were fabricated, for example; is that correct?

6 THE DEFENDANT: Yes.

7 MR. EBERT: And that as a direct result of these
8 various fabricated documents and untrue information, do you
9 agree that three lenders approved applications, which
10 resulted in the disbursement of \$1,773,600 into bank
11 accounts that you either opened or controlled?

12 THE DEFENDANT: Yes.

13 MR. EBERT: And that thereafter you transferred
14 this money as need be to other bank accounts or used it for
15 other purposes; is that correct?

16 THE DEFENDANT: Only for business purposes, yes.

17 MR. EBERT: And that you were the person who did
18 those things; is that correct?

19 THE DEFENDANT: Yes.

20 MR. EBERT: Okay.

21 THE DEFENDANT: But, of course, other people had
22 access to the account as well, including certain employees
23 that charged financial -- the CPA and maybe a couple of
24 more.

25 MR. EBERT: And so, among other things,

1 Mr. Sharma, you acknowledge that a portion of the funds that
2 you received were used for certain types of things that were
3 not authorized, including paying for home improvements,
4 including the installation of a pool in excess of \$64,000 in
5 your backyard; is that correct?

6 THE DEFENDANT: No, that is not factually correct.
7 So this was an accounting error.

8 MR. EBERT: So --

9 THE DEFENDANT: But none of the funds were used
10 for anything personal. They were all used to create new
11 businesses and to create further employments.

12 MR. EBERT: So you acknowledge that -- you
13 acknowledge in general, Mr. Sharma, that you've supplied
14 false information that resulted in the disbursement of these
15 funds; is that correct?

16 THE DEFENDANT: That I agree, yes.

17 MR. EBERT: And specifically in the elements that
18 are set forth in Count 1 of the information that we've
19 talked about a moment ago?

20 THE DEFENDANT: Yes.

21 MR. EBERT: Okay. Unless Your Honor has any
22 further items that you'd like me to address, I believe I
23 would end there.

24 THE COURT: Not at this time. I'll ask some
25 questions.

1 But, Mr. Garry, do you have any questions or
2 comments you'd like to put on the record at this point?

3 MR. GARRY: No, Your Honor.

4 THE COURT: All right. Mr. Sharma, I'm going to
5 ask you some questions, some of which are going to be very
6 similar or the same, actually, as you've already been asked,
7 but I have my own purposes for that.

8 The first question I always ask of someone in your
9 position is whether you're here voluntarily to plead guilty
10 this morning. Are you?

11 THE DEFENDANT: Yes, Your Honor.

12 THE COURT: And in that sense has anyone forced
13 you to come here, coerced you, threatened you in any way,
14 caused you to come here against your own will to plead
15 guilty?

16 THE DEFENDANT: No, Your Honor.

17 THE COURT: On the other side of that, has anyone
18 made promises to you or anything, any enticement to get you
19 to come here to plead guilty, other than the promises in the
20 plea agreement?

21 THE DEFENDANT: No, Your Honor.

22 THE COURT: Now, by pleading guilty, you're going
23 to be giving up a lot of rights you would have if we had a
24 trial. Do you understand that?

25 THE DEFENDANT: Yes, Your Honor.

1 THE COURT: And you understand we're not going to
2 have a trial, so you are not going to have those rights
3 afforded you. Do you understand that?

4 THE DEFENDANT: Yes, Your Honor.

5 THE COURT: And one of those rights is very
6 important, is the right to be presumed innocent until such
7 time as the government proves you guilty beyond a reasonable
8 doubt. Do you understand that?

9 THE DEFENDANT: Yes, Your Honor.

10 THE COURT: And if you plead guilty today, one of
11 the things that's going to happen is you will not be able to
12 unplead. Do you understand that?

13 THE DEFENDANT: Yes, Your Honor.

14 THE COURT: And if you plead guilty and tonight
15 you are lying in bed and you say, oh, my goodness, I
16 shouldn't have done that, and you call Mr. Garry or any one
17 of the other attorneys you are using and say, I want to get
18 out of this deal, and they're going to tell you sorry, it's
19 almost impossible. Do you understand that?

20 THE DEFENDANT: Yes, Your Honor.

21 THE COURT: Okay. So I want you to think about it
22 just a little bit more before we get to the final question.

23 One of the things that I know is Mr. Garry's a
24 good attorney. Has he been a good attorney for you?

25 THE DEFENDANT: Yes, Your Honor.

1 THE COURT: Has he answered all of your questions?

2 THE DEFENDANT: Yes, Your Honor.

3 THE COURT: Has he given you advice that you think
4 you are going to follow today?

5 THE DEFENDANT: Yes, Your Honor.

6 THE COURT: Did you have enough time to talk to
7 him or the other attorneys you have?

8 THE DEFENDANT: Yes, Your Honor.

9 THE COURT: And do you have any questions now of
10 your attorney?

11 THE DEFENDANT: No, Your Honor. I'll have a
12 conversation with Mr. Garry afterwards.

13 THE COURT: Okay. And do you have any questions
14 about the proceeding that you would like to ask the court?

15 THE DEFENDANT: No, Your Honor.

16 THE COURT: Okay.

17 THE DEFENDANT: Maybe just, you know, one
18 question. By entering into this plea agreement, would I
19 still have my rights to press -- to bring charges against
20 several other criminals, against other individuals and
21 entities?

22 THE COURT: Yes. You are not giving up any of
23 those civil rights you have, no --

24 THE DEFENDANT: Thank you, Your Honor.

25 THE COURT: -- by doing this.

1 Did you also -- do you realize, of course, that
2 you -- if we had a trial, witnesses would be called against
3 you and you could confront them. And what we mean by that
4 is you can look them in the eye when they are testifying,
5 and you can have your counsel cross-examine them on any
6 matter that's relevant. Do you understand that?

7 THE DEFENDANT: Yes, Your Honor.

8 THE COURT: Okay. And, likewise, you could
9 testify in your own behalf, if you wanted to, but no one
10 could force you to. And as a matter of fact, the government
11 couldn't say, well, Mr. Sharma decided not to testify,
12 therefore he must be guilty. Could not do that. Do you
13 understand?

14 THE DEFENDANT: Yes, Your Honor.

15 THE COURT: Okay. Do you believe you are guilty
16 of the charges contained in the information?

17 THE DEFENDANT: Yes, Your Honor.

18 THE COURT: Do you wish to still plead guilty to
19 that?

20 THE DEFENDANT: Yes, Your Honor.

21 THE COURT: I'm going to ask you now, How do you
22 now plead?

23 THE DEFENDANT: Guilty, Your Honor.

24 THE COURT: I'm going to put this finding into the
25 record. It is the finding of the court in the case of the

1 United States versus Aditya Raj Sharma that the defendant is
2 fully competent and capable of entering an informed plea
3 that is supported by an independent basis in fact containing
4 each of the essential elements of the offense, and his plea
5 is therefore conditionally accepted, and he is now adjudged
6 guilty of that offense.

7 Now, I said "conditionally accepted" because I'm
8 going to order that a presentence investigation be made. We
9 have in the courtroom with us, who has been listening to
10 this proceeding, a probation officer. And I want you to
11 check with her before you leave.

12 And, Mr. Garry, you also, if you have any -- if
13 you wish to be present during any of the interrogation, make
14 sure that fact is known to the probation officer.

15 When the investigation is completed, it will be
16 prepared in written form. Your counsel will get a copy of
17 that, as will the government. I will not until you've had a
18 chance to look at it and look it over and find out if it's
19 correct. Make sure you read it, make sure that it is
20 correct, because I'm going to be relying on that report in
21 sentencing you. Do you understand that?

22 THE DEFENDANT: Yes, Your Honor.

23 THE COURT: And I want to make sure it's correct.
24 After that's all happened, we'll have the -- we'll have you
25 come back here for sentencing. Do you understand how it's

1 going to happen?

2 THE DEFENDANT: Yes, Your Honor.

3 THE COURT: Okay. I'm going to order the plea
4 agreement filed.

5 Is there anything concerning custody that the
6 government is interested in this morning?

7 MR. EBERT: No, Your Honor. I believe that the
8 current conditions can remain in place.

9 THE COURT: Okay. Mr. Sharma, you've been doing
10 the right thing since you've been initially charged. You
11 were put on bond. You were allowed to stay at liberty. And
12 because you've done the right thing and because of the
13 government's motion, in effect what they just said, they
14 held out their hand to you, I'm not going to take you into
15 custody now. I could possibly do that, but we're going to
16 continue you on your bond, continue you to follow all the
17 rules and the restrictions that are in that bond. I don't
18 know what they are. I don't have it in front of me. But if
19 you have any question about it, make sure you talk to
20 Mr. Garry or one of the other lawyers and make sure you know
21 what you are doing. Leaving the state, for example, is one
22 of those things that people do, not thinking, and all of a
23 sudden they are in big trouble. And we don't want you to be
24 in big trouble, because if that happens, we'll have a
25 report, we'll have you back here, and we'll put you in jail.

1 Do you understand what the result is?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: Okay. Is there anything else that
4 should come before the court this morning?

5 MR. GARRY: Your Honor, may I have just one moment
6 to consult with Mr. Ebert?

7 THE COURT: Sure, you may. Go ahead.

8 (Attorneys confer.)

9 MR. GARRY: Thank you, Your Honor.

10 THE COURT: So there's nothing else need come
11 before the court?

12 MR. EBERT: Your Honor, I also have a copy that I
13 can tender that has the parties' signatures, including
14 Mr. Sharma's signature.

15 THE COURT: Does that have the very -- very slight
16 little modification that was made this morning?

17 MR. EBERT: That is correct, Your Honor.

18 THE COURT: Okay. And that was actually read into
19 the record correctly. And so the court will accept that and
20 file that plea agreement.

21 MR. EBERT: All right. May I approach to hand
22 this up, Your Honor?

23 THE COURT: You may.

24 And with that, the court is going to stand in
25 recess.

1 MR. EBERT: Thank you.

2 MR. GARRY: Thank you, Your Honor.

3 THE CLERK: All rise.

4 THE DEFENDANT: Thank you.

5 (Court adjourned at 11:14 a.m., 07-28-2021.)

6 * * *

7 I, Renee A. Rogge, certify that the foregoing is a
8 correct transcript from the record of proceedings in the
9 above-entitled matter.

10 Certified by: /s/Renee A. Rogge
11 Renee A. Rogge, RMR-CRR

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